STATE OF IOWA

DEPARTMENT OF COMMERCE

UTILITIES BOARD

IN RE: HUXLEY FAMILY PHYSICIANS	DOCKET NO. FCU-2013-0004

ORDER REGARDING PREHEARING CONFERENCE AND REQUIRING FILING

(Issued June 13, 2013)

On March 7, 2013, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a request for a formal proceeding for further investigation of a rural call completion complaint filed by Ms. Lynae Millette on November 28, 2012, on behalf of Huxley Family Physicians (HFP) in Huxley, Iowa. In the complaint, Ms. Millette stated HFP has struggled with static and lines cutting off for about four years and has had horrible service this year. She stated HFP receives complaints from hospitals, other clinics, and patients complaining daily about HFP's telephone lines. Ms. Millette also stated HFP was unable to receive urgent test results the previous weekend from Mary Greeley Hospital in Ames. She stated HFP is also experiencing fax issues and calls not getting to their answering service after hours.

On May 23, 2013, the Board issued an "Order Granting Request for Formal Proceeding and Assigning to Administrative Law Judge." On June 4, 2013, the undersigned administrative law judge issued an "Order Setting Telephone Prehearing Conference" to discuss the procedural schedule and hearing date for this case.

A telephone prehearing conference was held on June 13, 2013. The

Consumer Advocate was represented by its attorney, Mr. Craig F. Graziano.

CenturyLink was represented by its attorney, Ms. Becky Owenson Kilpatrick. Huxley

Communications Cooperative (Huxley Communications) was represented by its

attorney, Ms. Kris Holub Tilley. Huxley Communications General Manager Gary

Clark was also present on the call. Bluetone Communications LLC (Bluetone) was

represented by Ms. Gina Manzano, Director, Wholesale Account Support, Mr. Mark

Digiovanni, President, and Mr. Charles D. Land, Consultant. Bluetone is not currently

represented by an attorney in this case. Board staff members Ms. Trisha Quijano,

Ms. Tara Ganpat-Puffet, and Mr. Larry Stevens were also present on the call.

Each party filed an appearance pursuant to Board rule 199 Iowa

Administrative Code 7.4(7), and CenturyLink's attorney has complied with the

requirements for out-of-state attorneys in Board rule 7.4(8). Since Bluetone is not

represented by an attorney, the requirements for corporations who are unrepresented

in Board rule 199 IAC 7.4(8)"b" were discussed. Bluetone stated it understands the

requirements for out-of-state attorneys in Board rule 7.4(8).

At the prehearing conference, the undersigned administrative law judge asked

the parties whether they needed a period of time for discovery and additional testing

before a procedural schedule and hearing date are set. The Consumer Advocate

requested a period of 60 days for this. All other parties agreed with this request.

Bluetone indicated it may want to raise the issue of whether the Board has

jurisdiction over Bluetone, but stated its willingness to participate in the investigation and discovery. The undersigned administrative law judge instructed Bluetone that if it wished to assert its jurisdictional issue, it had to file a motion with the Board.

The request for a 60-day period for discovery and investigation is reasonable and should be granted.

IT IS THEREFORE ORDERED:

A 60-day period for discovery and investigation will be held prior to setting a procedural schedule and hearing date for this docket. On or before August 15, 2013, the parties must file a status report. The report must inform the Board of the status of the parties' discovery and investigation, and must provide three mutually agreeable dates and times for a second telephone prehearing conference to discuss the procedural schedule and hearing date for this docket.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary, Deputy

Dated at Des Moines, Iowa, this 13th day of June 2013.